

APPENDIX N

Ordinance No. 775

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA
ESTABLISHING SERVICE CHARGES AND FEES FOR RECYCLED OR RECLAIMED
WATER IN THE CITY OF BEAUMONT AND THE CITY SPHERE OF INFLUENCE**

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ARTICLE 1

INTRODUCTION

1.1 GENERAL:

The City of Beaumont is primarily dependent on limited sources of groundwater and imported water for domestic, agricultural and industrial uses. This source of groundwater and imported water supply is considered limited and its future reliability uncertain.

The City will operate and maintain a recycled or reclaimed water distribution system which will enable it to provide reclaimed water at tertiary treatment levels. Depending upon the level of treatment supplied, uses of reclaimed water may include, but not be limited to, greenbelt irrigation, agricultural irrigation, industrial process and, commercial uses, landscape or recreational purposes, wildlife habitat, and groundwater recharge.

This reclaimed water constitutes a viable alternate water supply, and along with other non-potable sources, allows conservation of large quantities of higher quality potable water to be made available for domestic use.

1.2 PURPOSE:

The purpose of this Ordinance is to promote the conservation and reuse of water resources and provide for the maximum public benefit from the use of the City's reclaimed water. Such measures are consistent with the legal responsibilities and obligations of the City to wisely utilize the water resources of the State of California, the City and the Beaumont-Cherry Valley Water District. This Ordinance shall apply and may hereinafter be amended by a successor of the City pursuant to a Reclaimed Water Purchase Agreement .

1.3 POLICY:

1.3.1 Reclaimed Water Use:

It shall hereafter be City policy that reclaimed or other non-potable water be used for any purposes approved for non-domestic water use, to the maximum extent possible. Use of potable water for non-domestic uses shall be considered contrary to City policy, shall not be considered the most beneficial use of the natural resource and shall be avoided to the maximum extent possible.

1.3.2 Priority:

Reclaimed water shall be provided on a first come, first served basis, as long as reclaimed water is available; however, agricultural use will be given priority over other non-domestic uses.

1.3.3 Equitable Allocation of Costs:

The City is committed to expanding its reclaimed water distribution, pumping, treatment and storage facilities in order to maximize reuse and provide alternate, or new sources of water supply.

Each reclaimed water user shall be charged their fair share of all costs incurred by the City in providing that service, as determined by the City Council.

1.4 INTENT:

1.4.1 It is the City's intent to provide reclaimed water wherever its use is economically, financially and technically feasible, consistent with regulatory requirements, the preservation of public health and welfare, and the environment. This shall be accomplished through the collection and treatment of sewage, wastewater, and other non-domestic supplies, and the beneficial reuse of the resultant reclaimed water in compliance with applicable Federal, State and local regulations.

1.4.2 It is the City's intent to maintain reclaimed water quality through a stringent pre-treatment program for commercial and industrial wastes and by restricting brine discharges from water softeners, evaporative coolers, and other sources.

1.5 CITY'S GOALS AND OBJECTIVES:

The City's goals and objectives with respect to providing reclaimed water service are as follows:

1.5.1 Planning:

Provide for the orderly expansion of reclaimed water facilities to meet future demands for reclaimed water.

1.5.2 Operations:

Operate reclaimed water systems to provide dependable service at required quality for approved uses to authorized users.

Maintain quality of wastewater entering the water reclamation treatment processes by establishing maximum levels of brine or other contaminants in wastewater and by restricting discharge of excess brine or other unacceptable wastes discharged to any sewerage system tributary to an existing or planned City reclamation facility.

1.6 SCOPE:

The provision of this Ordinance shall govern the requirements for reclaimed water use, the commencement and termination of reclaimed water service, and the conditions and regulations of such service within the City's jurisdiction including the City Sphere of Influence.

Because the addition of supplemental non-domestic water to the reclaimed water system will vary from time to time and place to place, all rules and regulations therein will be enforced as if the supply is always 100% reclaimed water.

This Ordinance shall be interpreted in accordance with the purpose, policy and intent of this Ordinance and the definitions as set forth in Article 2 herein. The provisions of this Ordinance shall apply to the use of all reclaimed water delivered by the City. To comply with applicable Federal,

State and Local regulatory agency requirements, provisions are made in this Ordinance for the regulation of reclaimed water use. This Ordinance also provides for the establishment of penalties for violation of the Ordinance.

1.7 INCORPORATED DOCUMENTS:

The following documents, as they now exist and as they may be amended from time to time, are incorporated herein by this reference and made a part hereof as though fully set forth:

1. Eastern Municipal Water District (EMWD) Backflow/Cross-Connection Control Regulations
2. "Reclamation Criteria": California Administrative Code (Title 22, Division 4, Chapter 3)
3. "Manual of Cross-Connection Control/Procedures and Practices": Department of Health Services
4. "Regulations Relating to Cross-Connections": California Administrative Code (Title 17, Chapter 5, Subchapter 1)
5. "Procedural Guide and General Design Requirements for Construction of Reclaimed Water Facilities": EMWD
6. "Guidelines for Distribution of Non-potable Water": California-Nevada Section American Water Works Association
7. "Guidelines for Use of Reclaimed Water": Department of Health Services
8. All applicable Federal, State and Local Regulations.
9. All other rules and regulations, as determined by the City Council.

ARTICLE 2

DEFINITIONS

AGRICULTURAL USE: Reclaimed water used for the production of crops and/or livestock and the preparation of these products for market. (Minimum basic use of 400 gpm/24 hours per day.)

APPLICANT: Any person, group, firm, partnership, corporation, association, or agency who desires, or is required by this Ordinance, to use reclaimed water.

APPLICATION RATE: The rate at which reclaimed water is applied to a use area.

AS-BUILT DRAWINGS: Engineered drawings that depict the completed facilities as constructed or modified.

AUTOMATIC SYSTEM: Automatic controllers, timers, valves, and associated equipment used to program irrigation systems for the application of reclaimed water.

AUXILIARY WATER SUPPLY: Any water supply on or available to the premises other than the City's potable water supply.

BACKFLOW: A flow condition, caused by a differential in pressure, that causes the flow of water or other liquids, gases, mixtures or substances into the distributing pipes of a water supply from any source or sources other than an approved water supply source. Back siphoning is one cause of backflow. Back pressure is the other cause.

BRINE: A saline solution resulting from the operation of a regenerative type water softener, evaporative cooling device, or other source. The Brine, for purposes of this Ordinance, shall be defined as any wastewater with a total dissolved solids (TDS) content exceeding the limits reasonably determined to be acceptable by the City Public Works Director.

CHIEF ENGINEER: The Public Works Director of the City of Beaumont.

CITY: The City of Beaumont City Council.

CITY RECLAIMED WATER DISTRIBUTION SYSTEM: Individually or collectively, any reclaimed water facility or facilities financed, constructed and dedicated to the City by an applicant, developer, or customer or financed and constructed by the City itself.

CODE: The current California Administrative Code.

COMMODITY CHARGE: A charge imposed by the City for all reclaimed water used, whether such water use is estimated or is actually metered.

COMMERCIAL USE: Any building for office or commercial uses with water requirements which include, but are not limited to, landscape irrigation, toilets, urinals and decorative fountains.

CONSTRUCTION DEPOSIT: Deposit placed with the City to cover the estimated cost of reclaimed water

facilities to be installed by the City for a User.

CROSS-CONNECTION: Any unapproved and/or unprotected connection, or potential connection, between any part of a potable water system and any source or system containing water or other substances not approved as safe and potable for human consumption.

CUSTOMER: Any person, group, firm, partnership, corporation, association, or agency who legally receives reclaimed water service from the City. (USER)

CUSTOMER SERVICE VALVE: Valve at the terminus of the service connection, which is the point of connection with the user's on-site facilities and may be operated by user.

DIRECT BENEFICIAL USE: The use of reclaimed water which has been transported from the point of production to the point of use without an intervening discharge to waters of the State.

DISCHARGE: Any release or distribution of reclaimed water, or release of wastes to a sewerage system.

ECONOMICALLY FEASIBLE: Overall User costs of reclaimed water and reclaimed water facilities will be offset by long-term water cost savings and/or mitigation fee credits which may be issued in accordance with the Cooperative Agreement between the City and the Beaumont-Cherry Valley Water District as determined by the City to the point of economic viability, or overall User costs of reclaimed water and reclaimed water facilities as otherwise determined by the State Regional Water Quality Control Board to be reasonable.

CITY MANAGER: The City Manager of the City of Beaumont.

GREENBELT AREAS: A greenbelt area includes, but is not limited to, parkways, parks, school athletic fields and landscaping within or surrounding a particular area as determined by the Public Works Director.

INDUSTRIAL PROCESS WATER: Water for any industrial facility with requirements which include, but are not limited to, rinsing, washing, cooling, circulation, or construction.

INFILTRATION RATE: The rate at which a soil will accept water.

LANDSCAPE IMPOUNDMENT: A body of water containing (all or part) reclaimed water which is used for aesthetic or irrigation purposes and which is not intended for public contact or ingestion.

LANDSCAPE IRRIGATION SYSTEM: All equipment and materials used for applying irrigation water to the use area from the service connection, including all piping, valves, sprinkler heads, controllers and appurtenances.

LESSEE: Person leasing property from the property owner.

LESSOR: Property owner leasing property to a lessee.

NON-DOMESTIC USE: Any water use not requiring potable water.

NON-DOMESTIC WATER: Water available from the City's reclaimed water facilities, which may include, but is not limited to, a combination of treated wastewater, intercepted surface and subsurface stream flows,

and groundwater, supplemented by other waters, including domestic (potable) water.

NONPOTABLE WATER: Water that has not been treated for, or is not acceptable for, human consumption in accordance with Federal, State and local drinking water standards.

OFF-SITE FACILITIES: Existing or proposed facilities under the control of the City, or other public agency, from the source of supply to the point of connection with the customer's on-site facilities, normally up to and including City's meter and the meter box.

ON-SITE FACILITIES: Existing or proposed facilities within property under the control of the user, normally downstream of the City's meter.

ON-SITE RECLAIMED WATER SUPERVISOR: A qualified person designated by a reclaimed water user and approved by the City. This person shall be knowledgeable in the construction and operation of reclaimed water and irrigation systems and in the application of the Federal, State and local guidelines, criteria, standards, and rules and regulations governing the use of reclaimed water.

POTABLE WATER: Water which conforms to the latest Federal, State and local drinking water standards.

PROPERTY OWNER (OWNER): The holder of legal title to a property.

RECLAIMED WATER: As defined in Title 22, Division 4, Chapter 3, Environmental Health, of the California Administrative Code (Code), means water which, as a result of treatment of wastewater, is suitable for direct beneficial use or a controlled use that otherwise would not occur; such treatment of wastewater having been accomplished in accordance with the criteria, including the level of constituents in combination with the means for assurance of reliability, as set forth in the Code.

For the purposes of this Ordinance any combination of recycled or reclaimed, non-domestic or potable water shall be referred to as "reclaimed water".

RECLAIMED WATER AGREEMENT: A contract between the City and the user which must be executed as a condition for obtaining reclaimed water service.

RECLAIMED WATER FACILITIES: Facilities used in the treatment, storage, pumping and conveyance of reclaimed water.

RECLAIMED WATER USE PERMIT (USE PERMIT): The processed and approved application for, and agreement with, the City for reclaimed water service, including all applicable Regulatory Agency requirements.

RECREATIONAL IMPOUNDMENT: A body of reclaimed water used for recreational activities including, but not limited to, fishing, boating, and/or swimming. Allowable uses will depend on treatment level of the reclaimed water.

REGULATORY AGENCY: Individually, or in concert, the Federal EPA, the State Water Resources Control Board, the California Regional Water Quality Control Board, the State Department of Health, and the Riverside County Health Department, Department of Fish and Game, U.S. Army Corp of Engineers, Riverside County Flood Control, EMWD.

REIMBURSEMENT AGREEMENT: An agreement for future limited reimbursement by the City for the cost of portions of reclaimed water facilities which a developer, user, applicant, or other may be required to install which are necessary and beneficial to a subsequent development, or User.

RULES AND REGULATIONS: All applicable rules and regulations issued by appropriate regulatory agencies, as periodically amended.

SECONDARY EFFLUENT: Wastewater which has been treated by gravity sedimentation to remove settleable solids remaining after the primary biological treatment process.

SECURITY DEPOSIT: Moneys required to be deposited with the City for the purpose of guaranteeing payment of monthly bills rendered for reclaimed water service.

SERVICE: The delivery of reclaimed water to a User.

SERVICE CONNECTION: The City's facilities between the City's reclaimed water distribution system and the customer's reclaimed water service valve, including, but not limited to, the meter, meter box, valves and piping equipment.

SERVICE CONNECTION FEE: A charge imposed by and paid to the City to cover the installation costs of reclaimed water facilities to be paid for by the user/applicant as a condition prior to service.

STANDARD SPECIFICATIONS: "Standard Specifications for Construction of Water, Sewer and Reclaimed Water Facilities" of EMWD, as amended.

SURCHARGE: A charge imposed by the City for the provision of special service not normally provided by the City.

SYSTEM OPERATOR: On-site reclaimed water supervisor, or designee responsible for operation and maintenance of user's system in conformance with this Ordinance.

TECHNICALLY FEASIBLE: Off-site reclaimed water facilities are in place to supply the property or such facilities will be in place within five (5) years.

TERTIARY EFFLUENT: Secondary effluent which has been disinfected and filtered. Allowable uses include body contact and irrigation of human food crops.

UNAUTHORIZED DISCHARGE: Any release of reclaimed water that violates the provisions of this Ordinance or any applicable Federal, State, City, or local statutes, regulations, ordinances, contracts or other requirements.

USE AREA: The specific area designated to be served reclaimed water through on-site reclaimed water facilities.

USER: Any person, group, firm, partnership, corporation, association or agency accepting reclaimed water facilities for use in accordance with this Ordinance. (APPLICANT, OWNER OR CUSTOMER).

WATER CODE: State of California Water Code.

ARTICLE 3

DETERMINATION OF RECLAIMED WATER USE AREA

3.1 GENERAL:

The City may adopt plans and policies (the Master Plan) as set forth in the Beaumont-Cherry Valley Water District Recycled Water Master Plan designating current and potential areas of reclaimed water use in accordance with this Ordinance and shall encourage the development of reclaimed water use within the City and the City Sphere of Influence. The Master Plan may be reviewed and updated as needed.

3.2 RECOMMENDED RECLAIMED WATER USE:

3.2.1 The City may review the Master Plan and recommend where water service should be made with reclaimed water in lieu of potable water. Where it is determined reclaimed water is, or will be available within five (5) years, the City may request modifications to existing on-site water facilities and require construction of reclaimed water systems in new developments to handle current and/or future reclaimed water use.

3.2.2 The City may enter into agreements with other cities and/or water agencies to determine reclaimed water use areas within the service area/jurisdiction of those entities.

3.3 EXISTING POTABLE WATER SERVICE:

3.3.1 Upon adoption of this Ordinance the Master Plan, the City may make determinations of areas where existing water use should be served with reclaimed water.

3.3.2 A notice of the determination may be sent to the owner. A meeting will be scheduled with the owners specified to present the reclaimed water use options and select use areas for conversion.

3.4 NEW RECLAIMED WATER SERVICE:

3.4.1 With submittal by owner of a tentative map, subdivision map, land use permit, or request for water service, the City staff will review the Master Plan and make a preliminary determination if water use on a certain parcel should be served with reclaimed water or be designed to accommodate the use of reclaimed water in the future.

3.4.2 A notice of the preliminary determination will be sent to the owner and/or a condition of approval may be imposed on approved projects.

ARTICLE 4

RECLAIMED WATER SERVICE

4.1 GENERAL:

4.1.1 The City's reclaimed water shall be used in a manner that complies with any and all applicable Federal, State and local statutes, ordinances, regulations and other requirements for the treatment level supplied, and will achieve the following:

- a) Prevent direct human consumption of reclaimed water through:
 - 1. User/City adherence to all applicable rules and regulations.
 - 2. Posting of warning signs by user.
 - 3. City Cross-Connection/Backflow Prevention Control Program.
- b) Control runoff of reclaimed water through City monitoring of the installation and operation of reclaimed water facilities and use areas.
- c) City monitoring of reclaimed water quality.

4.1.2 Where water is used for irrigation, commercial uses, industrial process purposes, landscape impoundment, wildlife habitat, or recreational impoundment, the City may provide reclaimed water in lieu of potable water where technically and economically feasible. However, each use must be approved on a case by case basis. Determination of the specific uses to be allowed shall be in accordance with the treatment standards and water quality requirements set forth in Title 22, Division 4, Chapter 3 of the California Administrative Code and with the intent of this Ordinance to protect the public health. Each use shall, in addition, be subject to the availability of distribution facilities or the technical and economic feasibility of making such facilities available as set forth herein.

4.2 APPLICATION PROCEDURE:

4.2.1 No person shall use or make connection to City reclaimed water facilities without first obtaining a City reclaimed water use permit. Such permit shall be in addition to any and all permits and conditions required by Federal, state, or local regulatory agencies.

4.2.2 Persons desiring or required to obtain reclaimed water service shall make application (Exhibit 1 and 2) through the Water Operations Branch for a use permit. The permit shall verify that the design and operational procedures for the applicant's reclaimed water facilities are in compliance with all applicable regulations. The application shall include, but not be limited to:

- a) Name, address and contact phone for:
 - 1. Applicant

2. Owner of property to be served
 3. On-site reclaimed water supervisor
 4. System operator
- b) Legal description of property to be served;
 - c) Map showing use area and location;
 - d) On-site usage plan;
 - e) Anticipated use and application rate;
 - f) Signed Application for Reclaimed Water Use Facility Permit/Waste Discharge Requirements.
- 4.2.3 An application for reclaimed water service must be made in writing, signed by the applicant and the owner, if they are not one and the same. The application form shall be furnished by the City.
- a) By signing the application, the owner/applicant will agree to comply with the requirements of any and all applicable Federal, State, and local statutes, ordinances, regulations, and other requirements. Current requirements are available at the City office on request. The City may, at its discretion, require specific prior approval of any City use permit by any Federal, State, or local agency having jurisdiction over, or an interest in, the City's reclaimed water or facilities operations.
 - b) Upon receipt of an application, the City shall review the application and may prescribe requirements in writing to the applicant as to the facilities necessary to be constructed, the manner of connection, the financial responsibility and the use of the reclaimed water. The City will check the availability of adequate on-site reclaimed water facilities to insure initial and future continued compliance with the City's regulations and any other applicable requirements.
 - c) A use permit will remain in effect unless:
 1. A change of ownership occurs;
 2. A change of User occurs;
 3. Use of reclaimed water changes; or
 4. A use violation has occurred which results in a service turn off per Article 4.10.

A new application must be submitted to reinstate a permit canceled for any of the above criteria.

4.3 RECLAIMED WATER USE FOR CONSTRUCTION:

When available from the City, disinfected reclaimed water shall be used by contractors for dust

control and soil compaction.

4.3.1 The contractor shall:

- a) Make application for reclaimed water service (Exhibits 2 and 5).
- b) Pay all fees and deposits for temporary reclaimed water service.
- c) Obtain City of Beaumont Reclaimed Water Use Permit and accept its terms and conditions.
- d) Obtain a Regional Water Quality Control Board Waste Discharge Permit. All applications must be submitted to the Regional Board by the City.
- e) Obtain a City of Beaumont Reclaimed Water Agreement.

4.3.2 The contractor should give careful consideration to the following:

- a) Equipment operators should be instructed as to the requirements contained herein and the potential health hazards involved with the use of reclaimed water.
- b) Tanks and other equipment used for reclaimed water should be thoroughly cleaned of septage or other contaminants prior to other use.
- c) Identify water trucks, hoses, drop tanks, etc., as containing reclaimed water and not suitable for human consumption. Signs are available and may be purchased from the City.
- d) Trucks and other equipment used for reclaimed water shall not be later used for purposes involving human consumption of water.
- e) Reclaimed water must not be introduced into any domestic water piping system and no connection shall be made between equipment containing reclaimed water and any part of a domestic water system.
- f) Tanks should be cleaned and disinfected after the project is completed. All wastes shall be disposed of in compliance with all applicable Federal, State, City and local regulations.

4.3.3 Reclaimed water used for construction purposes may only be used for soil compaction during grading operations, dust control, consolidation and compaction of backfill in reclaimed water, sanitary sewer, storm drain, gas and electric pipeline trenches.

RECLAIMED WATER MAY NOT BE USED FOR WATER JETTING, CONSOLIDATION OR COMPACTION OF BACKFILL IN POTABLE WATER PIPELINE TRENCHES.

4.3.4 Failure to observe all regulations governing the use of reclaimed water will result in the reclaimed water service being terminated until such time as the deficiencies are corrected to the satisfaction of the City.

4.4 RECLAIMED WATER USE PERMIT:

4.4.1 The City may issue a reclaimed water use permit upon approval by City staff of an application for reclaimed water service and issuance of applicable permits by regulatory agencies (see Article 4.4.3). The use permit shall entitle the applicant to receive reclaimed water service upon the terms and conditions of this Ordinance and the Reclaimed Water Agreement (see Article 4.5).

4.4.2 The use permit shall include the following:

- a) Name and address of applicant, owner, or User;
- b) A drawing of the proposed on-site system showing the location and size of all valves, pipes, outlets, and appurtenances;
- c) A statement that no changes in the proposed system will be undertaken without application for and approval of an amended City permit; and,
- d) A statement that the applicant recognizes potential penalties for violation of the rules and regulations of the City and any regulatory agencies.

4.4.3 The City may apply for and process all applicable regulatory agency permits. The cost and preparation of any study or report necessary to comply with California Environmental Quality Act (CEQA) or other regulatory requirements shall be the responsibility of the applicant.

4.4.4 A copy of the current permit must be available and clearly visible at the use site and be on file at the User's office.

4.5 RECLAIMED WATER AGREEMENT:

A reclaimed water agreement may be prepared following issuance of the use permit. This agreement shall specify:

1. User
2. Quantity of reclaimed water to be used.
3. Permitted Uses.
4. Rate(s) charged for use of reclaimed water.
5. Property location.
6. Expiration date of agreement.

Reclaimed Water Agreements are not transferable. A new agreement must be made if there is a change of owner, User or land use.

4.6 METERING:

For the purpose of computing charges, each reclaimed water meter will be considered separately, unless otherwise specified.

4.7 BILLING:

The City will render monthly billings for reclaimed water deliveries made during the preceding month, based on meter readings. Such bills and charges shall be deemed to have been presented upon having been deposited in the United States mail, postage pre-paid and addressed to the customer, as reflected in the records of the City.

4.8 TIME AND MANNER OF PAYMENT:

All bills and charges for reclaimed water service hereunder shall be due and payable upon presentation and shall become delinquent fifteen (15) days after presentation. Billings, in accordance with the City's prevailing Rules and Regulations, shall be paid within fifteen (15) days of the date thereof. Any late payments shall be considered delinquent and shall be subject to the City's standard penalty charges and disconnect procedures then in effect, as set forth in the City Rules and Regulations for sewer service.

4.9 NOTICES AND DISCONNECTION OF SERVICE:

4.9.1 Delinquent Notices of Nonpayment and Disconnection will be rendered for all accounts not paid within fifteen (15) days of presentation of billing.

4.9.2 Service will be disconnected without further notice thirty (30) days after presentation of billing.

4.10 TURN OFF PROCEDURES AND CHARGES:

4.10.1 By reason of circumstances beyond the control of the City and in order to protect facilities of the City, or for the protection of the public health, safety and welfare of the residents and property owners of the City and the general public, service may be terminated under the conditions set forth below, notwithstanding the existence of a valid permit for reclaimed water service.

The City may terminate reclaimed water service on a temporary basis at any time reclaimed water at the terminal point of the City's distribution system does not meet the requirements of regulatory agencies, including those prescribed by the State of California, Administrative Code, Title 22, Division 4, Chapter 3. Reclaimed water service would, in such case, be renewed at such time that reclaimed water at the terminal point of the distribution system would again meet the requirements of regulatory agencies, or at such time that the City would supplement the reclaimed water system with water from other sources.

4.10.2 Turn-off at the Customer's Request: A customer may request that service be disconnected either temporarily or permanently, but only when repairs or improvements to the customer's property temporarily necessitate turn-off or in the event reclaimed water is no longer needed to comply with Rules and Regulations. Such a request must be made by giving at least fifteen (15) working day's advance notice to the City. If such a notice is not given, the customer will be billed for service until one (1) working day after the City acquires knowledge that the customer has vacated premises or otherwise has discontinued service.

4.10.3 Turn-off by the City: The City may disconnect a customer's service for various reasons. Such disconnections are effected by turning off, locking, or sealing the meter, thereby stopping the reclaimed water service. The customer will be notified of disconnection in person, or by placing a

disconnection notice on the meter. Reasons for disconnection include, but are not limited to, the following:

- a) For Non-Payment of Bills: A service may be disconnected for nonpayment of reclaimed water bills. Before a service is disconnected, the customer will be notified by a Delinquent Notice of Nonpayment and Disconnection as delineated under Article 4.8. A service may be disconnected for nonpayment of any water charges of a customer, whether or not the payment delinquency is associated with reclaimed water service at that service connection or at any other City reclaimed or domestic water service connection of that same customer/owner.
- b) For Non-Compliance with Rules and Regulations: Reclaimed water service may be terminated on a temporary or permanent basis in the manner provided herein at any time the customer's operations do not conform to the use permit and/or applicable requirements as provided herein.

Where safety of water supply or public health is endangered, or regulations have been violated, service may be disconnected immediately without notice. The City may disconnect service to any customer for any violation of this Ordinance after it has given the customer at least five (5) days' written notice of such intention.

- c) For Waste of Water: In order to protect itself against serious and negligent waste or misuse of reclaimed water, the City may disconnect service if such wasteful practices are not remedied within five (5) days after written notice to such effect has been given to the customer.
- d) For Unsafe or Hazardous Conditions: The City may disconnect a service without notice if unsafe or hazardous conditions are found to exist on the customer's premises. The City will notify the customer as soon as possible of the reasons and the necessary corrections required before reconnection. Such unsafe or hazardous conditions may exist due to defective appliances or equipment that may be detrimental to either the customer, the City, or to the City's other customers, or the general public.
- e) For Fraudulent Use of Service: When the City has discovered that a User has obtained service by fraudulent means, or has diverted the reclaimed water service for unauthorized use, the service to that User may be disconnected without notice. The City will not restore service to such site until an applicant has complied with all rules and regulations of the City and the City has been reimbursed for the full amount of the service rendered and the actual cost to the City incurred by reason of the fraudulent use.

4.11 RESTORATION OF SERVICE:

In order to resume or continue service that has been disconnected, the customer must pay a reconnection charge as set forth under Article 5. The City shall strive to make the reconnection before the end of the next regular working day following the customer's request and payment of any applicable reconnection charges. The City will endeavor to make reconnections as soon as practical, however, reconnections shall only be made during regular office hours established by the City.

ARTICLE 5

FEES/DEPOSITS

5.1 GENERAL:

Reclaimed water rates, fees and charges are adopted as of the date of adoption of this Ordinance, and as set forth in the Appendices herein. Any changes in fee schedules shall be automatically adopted herein, and may be amended by resolution of the City.

Applicants for reclaimed water service shall pay their fair share for the construction of facilities necessary to deliver reclaimed water to the applicant's property and for distribution thereon. All fees and estimated construction costs shall be paid prior to construction; however, the City may reimburse the applicant for a portion of the cost of such facilities as set forth in Article 5.3.

5.2 CHANGE OF RATES/CHARGES:

5.2.1 The City Council reserves the right to change the schedule of reclaimed water rates, service charges and other charges at any time, or from time to time by resolution.

5.2.2 AUTOMATIC RATE ADJUSTMENT:

Effective July 1 of each year all reclaimed water rates and charges shall be automatically adjusted by the Consumer Price Index increase, if any, for the previous four (4) quarters ending March 31, unless the City Council elects to adopt an alternative rate schedule.

5.3 FINANCIAL PARTICIPATION BY CITY:

Under certain circumstances, the City may contribute to the cost of constructing the facilities needed to deliver reclaimed water to an applicant's property.

Subject to the availability of funds, as set forth in Appendix C:

- a) The City may reimburse an applicant for costs incurred to install oversized facilities as specified in Article 7.4 herein.
- b) The City may elect to participate in or construct trunk lines, main lines, reservoirs, pumping stations or other facilities, as it deems necessary, and/or as funds are available.

5.4 SECURITY DEPOSIT:

The City may require that an applicant, owner, or User post a security deposit. Such amount shall not be less than the estimated cost of reclaimed water service for a two-month period, or such other amount as determined by the City. Upon termination of service the security deposit will be applied to any outstanding charges on the account. Any resulting credit balance shall be refunded to the User.

5.5 ESTABLISHMENT OF RATES, CHARGES AND FEES:

- a) General Provisions: Rates and charges for reclaimed water service, as specified under various classifications of service, and other miscellaneous charges are set by the City Council from time to time. Current rates and charges are adopted by City Council Resolution and set forth in the attached appendices according to section and rate classification as set forth below.
- b) Retail Reclaimed Water Rates: Retail rates consist of a service charge, and a commodity charge. In addition to these standard charges an energy charge may be added, if applicable as determined by the Chief Engineer. The monthly service charge depends on the size of a customer's meter and is fixed irrespective of the quantity of water used. Any reclaimed water use is charged at the commodity rate as set forth in Appendix A to this Ordinance.
- c) Construction Reclaimed Water Rate: Reclaimed water for construction purposes may be obtained by licensed contractors from City facilities on a metered basis as set forth in Appendix A.
- d) Wholesale Reclaimed Water Rates: Cities and water agencies may qualify to receive wholesale reclaimed water rates. Qualification will be determined through water purchase agreements specifying minimum purchase and storage requirements and must be approved by the City Council.
- e) Capacity Charge: Where the City has constructed facilities to supply reclaimed water to a User, a Capacity Charge will be calculated and increased based on the then current construction costs (as determined by the City). This charge will be added to the monthly reclaimed water billing until the construction costs are paid in full.
- f) Meter Found Not Registering: When a reclaimed water meter is found to be out of order, at the option of the City, the charge for reclaimed water will be based on either the average monthly use for the last preceding month(s) during which the meter is known to have registered correctly, or the use as registered during the same month in previous year(s). Consideration will also be given to volume of business, seasonal demand and any other factors that may assist in determining an equitable charge. When the meter is covered by building material or otherwise is inaccessible, so that it cannot be read, an average bill or series of average bills, will be rendered, and the accumulated errors, if any, in such average bills will be adjusted when the meter is first thereafter read.
- g) Miscellaneous Charges: In order to recover costs associated with late payments, disconnections, other damages and expenses sustained by the City, the items listed below are charged to customers; the dollar amounts associated with each item being determined by the City Council and set forth in Appendix B.
 - 1. Penalty Charge: Any billings not paid within fifteen (15) days after presentation shall be considered delinquent and shall be subject to the City's penalty charges as set forth in Appendix B herein.
 - 2. Reconnection Charge: If a customer requests resumption of service after such service has been disconnected, then the customer shall pay a reconnection charge in addition to any past due balance, penalty charges, advance payments, or meeting any other conditions set forth by the City and incorporated in Appendix B herein.

3. **Return Check Charge:** When a customer's check in payment for reclaimed water service or other charges is returned as non-negotiable for any reason, the City shall issue a Notice of Returned Check and a 48-hour Notice to Discontinue Reclaimed Water Service. The Notice to Discontinue will become effective if the reclaimed water service charges together with the current returned check charge, as set forth in Appendix B, are not paid in cash or other certified funds on, or before, the date specified on the 48-hour Notice of Returned Check. No 48-hour notice will be given in the event a returned check was tendered as payment for reclaimed water service disconnected for nonpayment. Only cash or other certified funds will be accepted from customers who have issued a returned check within one year that paid for restoration of reclaimed water service disconnected for nonpayment. This restriction only applies to payments made to restore service disconnected again for nonpayment.
4. **Meter Test Charge:**

Initial Test - Prior to installation each meter will be tested by the manufacturer or by the City.

On Customer's Request - A customer may, by giving not less than one week's notice, request the City to test the meter serving his premises. As a prerequisite to making the requested test, the City will require the applicant to make a cash deposit toward the cost of such requested test, as set forth in Appendix B.

This deposit will be returned only if the meter is found to register more than 3% fast. The customer will be notified not less than two days in advance of the time and place of the test. An applicant shall have the right to require the City to conduct the test in his presence or presence of his representative. A written report, giving the results of the test will be given to the customer within fourteen days after completion of the test. When, upon testing, a meter is found to be registering more than 3% fast under conditions of normal operation, the City will, in addition to returning the deposit paid by the applicant, refund to the applicant the full amount of the overcharge based on corrected meter readings for the period, not exceeding six months, that the meter was in use (See Article 6.5.2).
5. **Pulled Meter Charge:** If a customer's service has been disconnected and the meter has been "pulled" or removed from the premises, the customer shall pay the City's pulled meter charge along with any other charges before the service and meter can be reconnected.
6. **Property Damage:** Where a reclaimed water customer is responsible for damage to City property, said customer shall reimburse the City for any such damage and shall be responsible for payment of the City's administrative overhead, as set forth in Appendix B. The customer shall be responsible for damage to City property/facilities, whether or not responsibility for the actual cause of said damage is known.
7. **Unauthorized use of City facilities is a misdemeanor.** Any person found taking

reclaimed water from or through any of the City's facilities, or operating City valves without authorization, will be assessed charges as set forth in Appendix B. Failure to pay assessed charges may result in prosecution.

8. City Administrative Overhead: The recipient of any services provided by the City may be assessed a charge for administrative overhead, as set forth in Appendix B, at the discretion of City Manager.
9. Connection Fees shall be set forth in Appendix B, or as otherwise determined equitable by the City Manager on a case by case basis.

5.6 TEMPORARY SERVICE:

The reclaimed water rate for all water sold through temporary meters shall be the same as the construction reclaimed water rate (see Appendix A). The charges for water sold through temporary meters shall be billed and paid on a monthly basis.

5.7 SERVICE OUTSIDE OF CITY:

- a) The rate for reclaimed water used on land or property located entirely outside of the City shall be the same rate as the rate for water sold through temporary meters unless the reclaimed water agreement approved by the City Council establishes a rate, in which case the rate set forth in the agreement shall apply (see Appendix A).
- b) The rate for water used on land or property located both inside and outside the City shall be apportioned according to the place of use insofar as the amounts used on properties within and outside of the City (see Appendix A).

ARTICLE 6

CONDITIONS OF SERVICE

6.1 GENERAL:

- 6.1.1 Service will be provided to property within the City which is contiguous to existing reclaimed water distribution lines for the uses specified herein. Service will be provided to property not contiguous to existing distribution lines if the distribution line is extended to the applicant's property as provided in Article 7.4, or if the City determines the applicant's property can be served within five (5) years as specified in Article 3.2.
- 6.1.2 Reclaimed water may be used for any purpose permitted by Federal, State and local regulations provided that all such use is in accordance with this Ordinance and provided further that:
- a) The design and construction of the reclaimed water system shall be approved by the City;
 - b) The applicant will be required to obtain a City Use Permit, a Regional Water Quality Control Board Discharge Permit (to be obtained through the City) and execute a Reclaimed Water Agreement to receive such water and use it only for approved purposes; and
 - c) Violation of permit conditions will result in reprimand, fines and/or termination of service, depending on the severity of the violation.
- 6.1.3 Any such permit may be revoked by the City and thereupon such reclaimed water service shall cease in the manner provided in Article 4.10 or 4.11 of this Ordinance.

6.2 SERVICE CONNECTION:

- 6.2.1 The City reserves the right to determine the size of the service line(s), the service connection(s), and the meter(s) and shall also have the right to determine the kind, size, location and conditions of backflow prevention device(s) for potable water service protection, in accordance herewith, and any and all other appurtenances to the service. The service line(s) shall be installed to a curb line or within a public right of way, abutting upon a public street, highway, alley, easement, lane, or road (other than a freeway) in which are installed reclaimed water mains of the City.
- 6.2.2 The City reserves the right to limit the area of land to be supplied by one service connection to one ownership or lessor. A service connection shall not be used to supply adjoining property of a different owner unless approved by the City.

When property provided with a service connection is subdivided, such connection shall be considered as serving the lot or parcel of land that it directly fronts or first enters. Additional mains and/or reclaimed water service lines will be required for all subdivided areas in accordance with this Ordinance.

- 6.2.3 All reclaimed water use shall be metered, and all reclaimed water used on any premises where a reclaimed water meter is installed must pass through said meter. Customers shall be held responsible and charged for all reclaimed water passing through the meters, unless otherwise

specified.

6.3 RESPONSIBILITIES FOR MAKING CONNECTIONS TO CITY SERVICE CONNECTIONS AND PERMITTED OR PROHIBITED USE OF VALVES BY CUSTOMERS:

- a) Every reclaimed water service line installed by the City shall be equipped with a valve on the inlet side of the meter; such valve being intended exclusively for the use of the City in controlling the reclaimed water supply through the service line. If the valve or meter is damaged by the User to an extent requiring replacement or repair, such replacement or repair shall be at the User's expense. Unauthorized operation or use of City valves or meters will result in Unauthorized Use Penalties as specified in Article 5 herein.
- b) Each City owned reclaimed water service connection, and maintenance responsibility, terminates at the valve on the User's side of the meter. The User may operate said customer valve at the terminus of the City's service connection for his convenience. Each User shall be responsible for furnishing, installing, operating and maintaining all facilities necessary to convey water from the customer valve to the use area.

6.4 RELOCATION OF RECLAIMED WATER SERVICE LINE:

- 6.4.1 Should a service line installed according to the directions of the applicant, owner or customer (User) be of the wrong size, or installed at a wrong location or depth, the cost of relocation or removal shall be paid for by the User where the error was that of the User or the User's representative. All services provided prior to final street improvements shall be considered temporary and the costs for any repairs or changes to on-site facilities required to be performed by the City shall be paid by the User.

6.5 METER TESTING:

- 6.5.1 If the reclaimed water meter fails to register during any period or is known to register inaccurately, the User shall be charged with an average daily usage based on similar seasonal times when the meter was registering correctly, or by a means determined by the City (see Article 5.5e). Any User may demand that the meter, through which reclaimed water is being furnished, be examined and tested by the City for the purpose of ascertaining whether or not it is correctly registering the amount of reclaimed water being delivered through it. Such demand shall be in writing and shall be accompanied by a deposit equal to the charge for testing such meter as established from time to time by the City.
- 6.5.2 Upon receipt of such demand and deposit, the City will have the meter examined and tested. If upon such test the meter shall be found to register over three percent (3%) more water than actually passes through it, the meter shall be properly adjusted or an accurate meter substituted. The deposit shall be returned and the reclaimed water bill for the current month and for such previous billing periods, not exceeding six (6) months, or for a period it appears the meter was in error, as determined by the City, will be adjusted proportionately. If the meter should be found to register not more than three percent (3%) more than actually passes through it, the deposit shall be retained by the City as the expense of making the test (See Article 5.5f).

6.6 SCHEDULING RECLAIMED WATER:

6.6.1 The City reserves the right to control and schedule the use of reclaimed water if, in the opinion of the City, scheduling is necessary for purposes including, but not limited to:

- a) The maintenance of an acceptable working pressure in the reclaimed water system;
- b) Providing for reasonable safeguards of public health;
- c) Availability of reclaimed water; and
- d) Maintenance, operation or construction of reclaimed water facilities.

6.7 EMERGENCY CONNECTIONS TO RECLAIMED WATER SYSTEM:

6.7.1 If, in the opinion of the City, an emergency exists whereby reclaimed water is not available, the City may approve a temporary connection to another water source. Before such temporary connection is made, disconnection from the reclaimed water system shall be inspected and approved by the City inspector and an approved backflow prevention device, or devices, of the type determined in accordance herewith, shall be installed on the alternate water line or lines in accordance with this Ordinance and other applicable regulations. Emergency connections to the alternate source shall be removed before connection is reestablished to the reclaimed water system.

Reestablishment of reclaimed water service must be inspected and approved by the City inspector prior to resuming delivery of reclaimed water.

6.7.2 Supplemental emergency supplies will be delivered at the rate then in effect for the type of alternate water supplied.

6.8 OTHER LIMITATIONS OF SERVICE:

6.8.1 The City shall not be liable for any damage by reclaimed water, or otherwise resulting from inadequate capacity, defective plumbing, broken or faulty services, or reclaimed water mains; or any conditions beyond the control of the City. All applicants for reclaimed water service shall accept such conditions of pressure, as provided by the distribution system at the location of the service connection and to hold the City harmless from all damage arising from low pressure or high pressure conditions, or from interruptions of service.

6.8.2 The City is not responsible for any condition of the reclaimed water itself, or any substance that may be mixed with or be in reclaimed water as delivered to any User, except as required by Title 22.

6.8.3 All reclaimed water service will be on an interruptible basis, depending on the quantity and quality of the reclaimed water available, in accordance with the terms of the individual service agreement between the City and the User.

ARTICLE 7

FACILITIES

7.1 GENERAL:

All off-site reclaimed water facilities and all on-site reclaimed water facilities shall be designed and constructed according to the requirements, conditions, and standards as adopted and revised by the City from time to time, including, but not limited to, "EMWD Standard Specifications for the Construction of Reclaimed Water Facilities", which document is on file at the City office, and by reference is incorporated herein, or as otherwise approved by the Chief Engineer. The reclaimed water system including both off-site and on-site facilities, shall be separate and independent of any potable water system.

7.2 ON-SITE RECLAIMED WATER FACILITIES

7.2.1 Any on-site reclaimed water facility shall be provided by the User, at the User's expense. The User shall retain title to all such on-site facilities.

7.2.2 On-site facilities, in addition to conforming to applicable City standards, criteria, specifications, and guidelines, shall conform to local and other governing codes, rules, and regulations. When the City's Standard Specifications require a higher quality material, equipment, design or construction method than that required by any other governing codes, rules and regulations, the City specifications shall control as determined by the Chief Engineer.

7.2.3 Plans, specifications and record drawings, in accordance with City requirements, shall be prepared and submitted to the City for on-site facilities. Plans and specifications must be approved by the City prior to commencing construction.

7.2.4 Irrigation schedules and controller charts for landscape sprinkler irrigation systems must be prepared by the applicant and approved by the City in accordance with the above referenced specifications. Prior to commencement of service to any on-site system using reclaimed water, record drawings shall be provided by the User and approved by the City. The installed system shall be tested under active conditions in the presence of the City inspector to ensure that the operation is in accordance with this Ordinance.

7.3 INTERIM SERVICE:

In those areas where reclaimed water is not immediately available when the use area is ready for construction, and if the City has determined that reclaimed water will be supplied in the future, on-site facilities shall nevertheless be designed to use reclaimed water. Provisions shall be made and these regulations followed to allow for connection to the City's off-site reclaimed water facilities when available. In the interim, domestic or other suitable water may be supplied to the of-site facilities through an "interim service".

7.3.1 Conditions of this interim service are:

- a) In the opinion of the Chief Engineer, reclaimed water is anticipated to be available to the

site within five (5) years of the time the interim service is initiated;

- b) The applicant must obtain a reclaimed water use permit; and
- c) The applicant must agree to perform all work necessary to make connections to the permanent reclaimed water system once installed by the City.

7.3.2 An approved backflow preventer will be required on the interim service as long as the on-site facilities are using an alternate source of water. The backflow preventer shall be at the point of connection with the interim supply system and a part of the on-site reclaimed water facilities. The City will remove the interim connection and the backflow preventer at the User's expense and will make the connection to the on-site facilities when reclaimed water becomes available.

7.3.3 Future reclaimed water customers will pay for the cost of constructing and abandoning the interim service, whatever reclaimed water fees are applicable at the time it becomes available, and applicable interim water rates for the type of water delivered through the interim service.

7.3.4 When the reclaimed water is available, an inspection of the on-site facilities will be conducted by the Chief Engineer to verify that the facilities have been maintained and are still in compliance with the reclaimed water permit. Upon verification of compliance, reclaimed water shall be supplied to the parcel for the intended use. If the facilities are not in compliance, the City shall notify the User to correct the noncompliance. Reclaimed water will not be supplied until the facilities are in compliance.

7.4 OFF-SITE RECLAIMED WATER FACILITIES:

- a) Any off-site reclaimed water facilities that are required to serve the User property, shall be provided by the User at his expense, unless the City determines it is a City benefit to construct these capital facilities.
- b) The City may require the construction of off-site facilities, including pipelines, reservoirs, pumping facilities, and treatment facilities, either within the area described in the application for service or outside of such area. If such facilities are larger than the size determined by the City to be required for providing adequate service to the property described in the application submitted to the City, the City may contract with the User for reimbursement on a pro rata basis for the difference between the cost of the oversized facilities and the facilities which otherwise would be required to provide adequate service to the property described in the application for service submitted to the City in the manner herein provided.
- c) The terms, extent, and provisions of such reimbursement agreement shall be determined from time to time by the City at its discretion. In no event shall interest be paid on any such amounts. The period of time in which reimbursement will be made will be determined by the City, dependent upon the amount necessary to be advanced by the User in addition to other normal charges, the probability of receipt of payment, and of anticipated development in the area in which the facilities are proposed to be constructed. The amount advanced for facilities available to lands outside the area described in the application for service shall be taken into account when development occurs for which such facilities are constructed; and the City reserves the right to impose and charge additional connection charges, initial

charges, and costs, if necessary, to cause equitable reimbursement in any such instances.

- d) Plans and specifications for off-site facilities shall be submitted to and approved by the City prior to construction. The City shall inspect, approve and make final acceptance of all off-site facilities.
- e) The City shall provided reclaimed water to the point of connection of the off-site facilities to the on-site facility upon transfer to the City of title to all off-site facilities in the required systems and any necessary easements therefor. All easements shall be in a form acceptable to the City and not subject to outstanding obligations to relocate such facilities or any deeds of trust, except in instances where such is recommended by the City Manager to be in the best interests of the City.

7.5 CONVERSION OF EXISTING FACILITIES TO RECLAIMED WATER USE:

Where it is planned that an existing non-reclaimed water system be converted to a reclaimed water facility, the facilities to be converted to reclaimed water shall be investigated in detail. The City shall review the record drawings, prepare required reports, and determine the measures necessary to bring the system into full compliance with this Ordinance. No existing potable water facilities shall be connected to or incorporated into the reclaimed water system without City and other regulatory agency testing and approval.

7.6 CONVERSION OF FACILITIES FROM RECLAIMED WATER USE:

If, due to on-site reclaimed water system failure or use violations, the City deems it necessary to convert on-site facilities from a reclaimed water supply to a potable, or other, water supply, it shall be the responsibility of the User, unless determined otherwise by the City, to pay all costs for such conversion, by way of, but not limited to, the following items:

- a) Isolation of the reclaimed water supply. Service shall be removed and plugged by the City at the City main or abandoned in a manner approved by the Chief Engineer.
- b) The applicant shall install approved backflow devices on any and all potable, or other, water meter connections.
- c) The removal of the special reclaimed water quick-couplers including the replacement of these with approved valves for potable water systems.
- d) Notification to all on-site personnel involved.
- e) The removal of all warning labels/signs.
- f) The installation of all potable waterlines and facilities and any capacity fees due, as provided for in the Rules and Regulations.

7.7 MARKING WATER FACILITIES:

The exposed portions of the User's reclaimed water facilities shall be painted, banded, marked, or otherwise differentiated at sufficient intervals to clearly distinguish which water is safe and which

is not safe in accordance with local and health department requirements. The same color/markings shall always be used to indicated the same type of water throughout the system. All outlets from reclaimed water systems shall be posted as being contaminated and unsafe for drinking purposes. All outlets intended for drinking purposes shall be plainly marked to indicate that fact as determined by the Rules and Regulations.

ARTICLE 8

OPERATION

8.1 ON-SITE FACILITIES:

- a) The operation, surveillance, repair and maintenance of on-site reclaimed water facilities are the responsibility of the User.
- b) The operation, surveillance and maintenance of all on-site facilities using the City's reclaimed water shall be under the management of an "On-Site Reclaimed Water Supervisor" designated by the User and approved by the City. The City may, from time to time, require that an "On-Site Reclaimed Water Supervisor" obtain instruction in the use of reclaimed water, such instruction being provided by, or approved by the City.
- c) The City shall monitor and inspect all reclaimed water systems, including on-site and off-site facilities, and for these purposes shall have the right to enter upon the User's premises. Where necessary, keys and/or combinations shall be issued to the City to provide such access upon a request therefor during normal business hours of operation.
- d) The User shall have the following responsibilities in relation to operation of on-site facilities:
 - 1. Ensure that all on-site operations personnel are trained and familiarized with the use of reclaimed water to the City's satisfaction.
 - 2. Furnish their operations personnel with maintenance instructions, irrigation schedules, controller charts, and record drawings to ensure proper operation in accordance with the on-site facilities design, the permit, the reclaimed water agreement, and this Ordinance.
 - 3. Prepare and submit to the City one (1) reproducible set of record drawings, as approved by the City, of all facilities constructed by the User.
 - 4. Notify the City of any and all updates or proposed changes, modifications, and additions to the on-site facilities. Said changes shall be approved by the City and shall be designed and constructed according to the requirements, conditions, and standards set forth in the City's Standard Specifications and set forth in this Ordinance. In accordance with the above noted requirements, conditions, and standards, changes must be submitted to the City for plan check and approval prior to construction. The construction shall be inspected by the City, and revised record drawings and controller charts shall be approved by the City. The City may, if it deems such to be in the best interest of the City, waive or modify any of the foregoing.
 - 5. Ensure that the design and operation of the User's reclaimed water facilities remain in compliance with this Ordinance, as determined by the Chief Engineer.

6. Operate and control the User's reclaimed water system to prevent human consumption of reclaimed water and to control and limit runoff. The User shall be responsible for any and all uses of the reclaimed water. Operation and control measures shall include, where appropriate, but not be limited to:
 - a. On-site reclaimed water facilities shall be operated to prevent discharge onto areas not under control of the customer. Part circle sprinklers shall be used adjacent to sidewalks, roadways and property lines to confine the discharge from sprinklers to the use area.
 - b. The operation of the on-site facilities shall be during the periods of minimal use of the service area. Consideration shall be given to allow a maximum dry-out time before the irrigated area will be used by the public.
 - c. Reclaimed water shall be applied at a rate that does not exceed the infiltration rate of the soil. Where varying soil types are present, the design and operation of the on-site reclaimed water facilities shall be compatible with the lowest infiltration rate present.
 - d. Prevent runoff and ponding of reclaimed water, automatic systems should be utilized and programmed. The sprinkler system shall not be allowed to operate for a time longer than the use area's water requirement as determined by the infiltration rate. If runoff occurs before the use area's water requirements are met, the automatic controls shall be re-programmed to lessen watering cycles to meet the requirements.
 - e. Immediately report to the Chief Engineer any and all failures in their system that cause an unauthorized discharge of reclaimed water.
7. Comply with any and all applicable Federal, State and local statutes, ordinances, regulations, agreements, use permits, Rules and Regulations, and all requirements prescribed by the City. In the even of violation, all applicable charges and penalties shall be applied and collected.

8.2 OFF-SITE FACILITIES:

Operation, surveillance and maintenance of all of the City's off-site reclaimed water system facilities, including, but not limited to, pipelines, reservoirs, pumping stations, fire hydrants, manholes, valves, connections, supply interties, treatment facilities, and other appurtenances and property up to, and including, the City's meter, shall be under the management and control of the Chief Engineer. Except to shut off water to prevent damage or health risks, no persons, except authorized employees of the City, shall have any right to enter upon, inspect, operate, adjust, change, alter, move, or relocate any portion of the foregoing, or any of the City's property. Such tampering constitutes an infraction punishable by law and may result in the offender(s) being charged and prosecuted accordingly.

ARTICLE 9

PROTECTIVE MEASURES

9.1 GENERAL:

These provisions are to protect the City's potable water supplies against actual, undiscovered, unauthorized, or potential cross-connections to the User's reclaimed water system in accordance with Title 17, Chapter 5, Section 7583-7622, inclusive, of the California Administrative Code and the Rules and Regulations. These provisions shall be in addition to, and not in lieu of, the controls and requirements of other regulatory agencies, such as local regulatory agencies, State and local health departments. These regulations are intended to protect the City's potable water supplies and are not intended to provide regulatory measures for protection of Users from the hazards of cross-connections within their own property.

Approved backflow prevention devices, on the City's non-reclaimed water services to the property, as required in these provisions, shall be provided, tested, and maintained by the User at User's expense. Such devices shall be located on the property served and shall not be on the City's facilities.

9.2 WHERE PROTECTION IS REQUIRED:

Approved backflow protection for the non-reclaimed water supplies shall be provided as follows:

- a) Each water service connection for supplying other than reclaimed water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into water systems, unless the auxiliary water supply is accepted as a potable source by the City and is approved by the public agency having jurisdiction.
- b) Each water service connection for supplying other than reclaimed water to premises on which any substance is handled in such a fashion as to permit entry into the water system from the premises shall be protected against backflow of the water from the premises in the water system. This shall include, but not be limited to, the handling of process waters, waters originating from any of the water systems that have been subject to deterioration in quality, and agricultural use water.
- c) Backflow prevention devices shall be installed on the non-reclaimed water service connections to any premises that have internal cross-connections.

The on-site reclaimed water system is a separate and controlled non-potable water system. Protective backflow prevention devices are required for non-reclaimed water services, and under no circumstances shall the City tolerate an actual or potential cross-connection between non-reclaimed water supplies and the on-site reclaimed water facilities. In all cases in which reclaimed water is used, the City shall require a backflow prevention device on all non-reclaimed water facilities.

9.3 TYPE OF PROTECTION:

At the non-reclaimed water service connection on any premises on which there is an auxiliary water supply, or under any of the circumstances outlined in the preceding Paragraph 9.2, the non-reclaimed water system shall be protected by an approved reduced pressure device. The type of protection device shall be determined by the Chief Engineer in accordance with the Rules and Regulations.

9.4 INSPECTION OF PROTECTIVE DEVICES:

The User is responsible for inspection and testing of all backflow prevention devices at least once a year, or more often in those instances where successive inspections indicate repeated failure. All inspections and testing shall be performed at the User's expense by a tester certified by the State or local health department. These devices shall be repaired, overhauled, or replaced at the expense of the User whenever they are found to be defective. The User shall maintain records of all such tests, repairs, and overhauls. These records shall be made available to the State and local health departments and sent to the City.

Nothing contained herein shall relieve a water customer from the duty to install, test and maintain backflow prevention devices.

9.5 RECLAIMED WATER SUPERVISOR:

The State and local health departments and the Chief Engineer shall be kept informed by written document of the identity of the person responsible for the User's reclaimed water system on all premises concerned with these regulations. At each premise, an "On-Site Reclaimed Water Supervisor" shall be designated. This supervisor shall be responsible for the installation and use of all User reclaimed water systems, pipelines and equipment and for the prevention of cross-connections.

9.6 NOTIFICATION BY USER:

In the event of contamination or pollution of a non-reclaimed water system due to a cross-connection on the premises, the local health officer and the City shall be promptly notified by the "On-Site Reclaimed Water Supervisor", or others, so that appropriate measures may be taken to correct the problem.

9.7 MONITORING AND INSPECTION:

The City will monitor and inspect all reclaimed water systems, including both on-site and off-site facilities. The City will conduct monitoring programs, maintain a record as deemed necessary and provide reports as requested by regulatory agencies, including, but not limited to, the California Regional Water Quality Control Board. The City, in carrying out these functions, shall have the right to enter upon the User's premises for the purpose of inspecting on-site reclaimed water for the purpose of inspecting on-site reclaimed water facilities and areas of reclaimed water use and to ensure compliance with this Ordinance, including the provision that runoff be prevented and the provision that cross-connections between non-reclaimed water facilities and reclaimed water facilities do not exist.

9.8 OTHER MEASURES:

9.8.1 Whenever technically and financially feasible as determined by the Chief Engineer, the City will

operate the reclaimed water system at a lower pressure than the non-reclaimed water systems, so that the flow would be from the non-reclaimed water to the reclaimed water system in the event of a cross-connection.

- 9.8.2 Acceptable tracer dyes may periodically be introduced into the reclaimed water system by the City, where feasible, so that the existence of cross-connections or backflow in the non-reclaimed water system can be determined.
- 9.8.3 Water meters used for reclaimed water service shall be color coded or otherwise distinguished as such, and will not be interchanged or used for non-reclaimed water service after repairs or meter testing has been accomplished.

ARTICLE 10

ON-SITE CONTROLS

10.1 IMPLEMENTATION:

Guidelines and regulations have been promulgated by the County Department of Health Services (CDHS) and the California State Department of Health Services (CDOHS) to protect the health of the public and the employees of reclaimed water Users. The minimum necessary on-site controls are contained in "Guidelines for Use of Reclaimed Water", issued by the CDOHS; in the County Public Health Code; and in Title 17 of the California Administrative Code.

10.2 STATE/LOCAL REGULATION:

Reclaimed water system on-site controls shall meet all of the requirements established by the Chief Engineer and the applicable State and local regulatory agencies to protect the public health.

Plans and specifications for all proposed reclaimed water operations, distribution, and on-site systems shall be submitted to the applicable State and local health agencies, as well as the City, for review and approvals before the systems are constructed.

10.3 OPERATIONAL CONTROLS:

The use of reclaimed water shall not create odors and/or a public nuisance.

The use area shall be developed and maintained so as to prevent the breeding of flies, mosquitoes, and other vectors.

The minimum necessary operational controls include, but are not limited to:

- a) Irrigation Usage: Areas irrigated with reclaimed water must be kept completely separated from domestic water wells and reservoirs. Reclaimed water shall not be applied or allowed to migrate to within 500 feet of any well used for domestic supply or 100 feet of any irrigation well unless it can be demonstrated that special circumstances justify lesser distances to be acceptable.

Adequate measures shall be taken to provide a minimum of 40 feet between the limits of the reclaimed water use area and of the adjacent crops if secondary effluent is in use. Irrigation shall be controlled to prevent ponding of reclaimed water and runoff should be contained and properly disposed of.

- b) Additional Protection: User's employees, residents, and the public should be made aware that the reclaimed water is non-potable. All reclaimed water valves, outlets and/or sprinkler heads should be appropriately tagged to inform them that the water is non-potable.
- c) First Aid and Hygiene: Adequate first aid kits should be available on the premises and all cuts and abrasions should be treated promptly to prevent infection. A physician should be consulted where infection is likely.

At crop irrigation sites, the crops and soil should be allowed to dry before harvesting. Provisions shall be made for a supply of safe, potable drinking water for employees and others. Water used for drinking purposes shall be in contamination-proof containers and protected from contact with reclaimed water or dust. The water should be of a source approved by the local health authority. Toilet and potable washing facilities should be provided. Precautions should be taken to avoid contamination of food taken to areas irrigated with secondary effluent and food should not be taken to areas still wet. Employees and other should be instructed to wash with potable water prior to eating.

10.4 IDENTIFICATION:

All reclaimed water valves, outlets and sprinkler heads should be of a type that can only be operated by authorized personnel with special wrenches or other devices.

All reclaimed water valves and outlets should be appropriately tagged to warn the public and employees that the water is not safe for drinking.

All piping, valves and outlets should be color-coded or otherwise marked to differentiate reclaimed water from non-reclaimed water facilities.

Differential piping materials shall be used to facilitate water system identification.

Hose bibs shall not be used in the reclaimed water system; quick-couplers or comparable connection devices shall be used instead.

Size differentials shall be made between non-reclaimed water and reclaimed water connection devices.

10.5 POSTING OF ON-SITE WARNINGS:

Adequate means of notification shall be provided to inform the public, employees and others that reclaimed water is being used. Such notification shall include the posting of conspicuous warning signs with proper wording of sufficient size to be clearly read, which shall be posted at adequate intervals around the use area. In some locations, especially at crop irrigation use areas, the warning signs shall be in Spanish*, as well as English. Signs shall be at least 15 X 18 inches, and shall be in compliance with CDOHS regulations. Signs are available and may be purchased from the City.

Signs shall be placed around the perimeter of the site and at such other locations on-site as deemed appropriate by the City.

At golf courses, notices shall be printed on score cards in a different color stating that reclaimed water is used. All water hazards containing reclaimed water should be posted with warning signs. All water outlets shall be posted as "potable" or "non-potable", as applicable and appropriate.

*Spanish may be substituted with another language if appropriate for the locale. This will be determined by the City based on the prevalent non-English speaking population.

ARTICLE 11

SEVERABILITY

If any section, subsection, clause or phrase of this Ordinance is for any reason found to be invalid or unconstitutional, such decision shall not affect the remaining portions of this Ordinance. The City Council hereby declares that it would have passed said Ordinance in the absence of said article, section, subsection, sentence, clause, or phrase which has been determined invalid or unconstitutional.

ARTICLE 12

ENFORCEMENT AND PENALTIES

12.1 NOTICE OF VIOLATION:

Any person, firm, corporation, association, or agency found to be violating any provision of this ordinance, or the terms and conditions of the User's service agreement, permit or any applicable Federal, State, City or local statutes, regulations, guidelines, ordinances, or other requirements will be served by the City with written notice of non-compliance stating the nature of the violation and providing a reasonable time limit, as determined by the City, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, cease all violations. This provision is in addition to, and not by way of derogation of, any other remedies or procedures available to the City by law, regulation, or pursuant to any of the provision of this Ordinance.

This notice of violation procedure shall be in addition to any other remedies available to the City, including the infraction provisions set forth in section 71600 of the Water Code of the State of California.

12.2 NONCOMPLIANCE FOLLOWING NOTICE OF VIOLATION:

Failure to cease all violations within the state time limit shall result in revocation of the permit by the City and termination of reclaimed water service. Violations regarding any one service may result, at the discretion of the City, in termination of reclaimed water service in the following manner:

- a) Interim Revocation: In cases where the serious nature of the violations require immediate action, the City may, at its discretion, immediately revoke the permit on an interim basis and thereupon cease reclaimed water service, subject to a timely decision on a permanent revocation of the permit, pursuant to a public hearing as provided herein.
- b) Permanent Revocation: Permanent revocation of a permit shall occur only subsequent to a public hearing held in the manner hereinafter provided. The User shall be given written notice of violation ten (10) consecutive calendar days prior to a hearing on the possible permanent revocation of a permit by the City. The notice shall specify the grounds of the proposed permanent revocation of such permit in reasonable detail and it may elect to suggest corrective actions acceptable to the City. Notice may be delivered personally to the User or it may be given by deposit in the United States mail with postage prepaid, return receipt requested, addressed to the User as reflected in the records of the City, or addressed to the owner as shown on the last equalized assessment roll of the County, as defined in the Revenue and Taxation Code of the State of California. Any such action to permanently revoke the permit shall be effective immediately after notice of the City's decision and shall be either personally delivered to the User or placed in the United States mail, postage prepaid, return receipt requested, addressed to the User in the manner herein above specified.
- c) Reestablishment of Service: Any request to reestablish service subsequent to the permanent revocation of a permit and the termination of reclaimed water service, shall be in the manner

prescribed for initially obtaining reclaimed water service from the City, which may include the collection of a security deposit. However, in addition, the City may, at its discretion, require that a service agreement and financial security conditioned upon compliance with the City's Ordinance be provided in an amount, manner and for a period of time as determined by the City Council.

The City shall have the right to refuse to reestablish service following permanent revocation of a permit for violation of these provisions.

Reestablishment of service shall only be made during regular working hours established by the City.

- d) Delinquency: Disconnection of service by reason of a delinquent bill shall not automatically constitute revocation of a permit. However, such delinquency may be considered as sufficient reason for a revocation of permit, in accordance with the provisions of this Ordinance.
 - e) Provisions: The City may, on an interim basis or otherwise, waive or modify any of the foregoing.
 - f) Objections: The User may file a notice of objection with the City Council within sixty (60) days after notice of violation is given or mailed to the owner. The objection must be in writing and specify the reasons for the objection. The preliminary determination shall be final if the User does not file a timely objection. If the objection cannot be resolved to the mutual satisfaction of the User and the City the preliminary determination shall be final, with the User able to appeal this determination in a process established by the City Council. The decision resulting from the appeal process shall be final.
 - g) Appeals of any ruling of the City concerning violations of the provisions or penalties provided for in this Ordinance shall be presented in writing within fifteen (15) days following the date of the City's notice of violation. The City Council may grant the User an opportunity to present additional oral or documentary information (in addition to that presented in connection with objections set forth in the preceding paragraph), or it may decide on the basis of information filed in connection with the objection. The City Council shall respond within fifteen (15) days of receipt of the appeal, with a decision whose findings shall be final.
- Appeals of any condition established by a regulatory agency shall be appealed to the appropriate agency via the City Council.
- h) Conflicts: If there is any conflict between the provisions of this Ordinance and the provisions of any of the documents incorporated by reference, the most restrictive requirement shall control and prevail, as determined by the City.

MOVED, PASSED AND ADOPTED this 10th day of November, 1997 by the following roll call vote:

AYES: Mayor Leja, Council Members Westcot, Parrott, and Zeller.

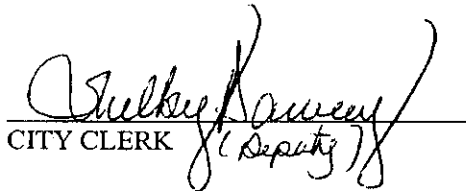
NOES: None.

ABSTAIN: None.

ABSENT: Council Member Berg.

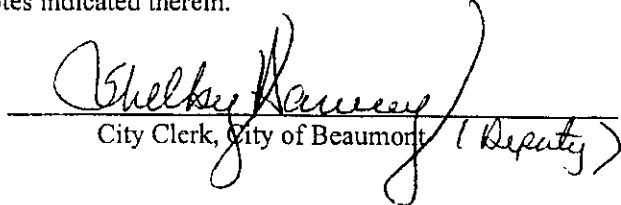

Mayor of the City of Beaumont

ATTEST:


CITY CLERK (Deputy)

CERTIFICATION

The foregoing is certified to be a true copy of Ordinance No. 775 duly introduced at a regular meeting of the City Council held on October 27, 1997, and duly adopted upon second reading on November 10, 1997, by the roll call votes indicated therein.


City Clerk, City of Beaumont (Deputy)

(SEAL)

APPENDIX A

RECLAIMED WATER RATE SCHEDULE

I Retail Rates per Article 5.5b		
A.	Service Charge by Meter Size	
	<u>Meter Size</u>	<u>Flat Rate</u> <u>Monthly Charge</u>
	4" or smaller	\$ 20.00
	6" or larger	\$ 40.00
B.	Commodity Rate: Agricultural	
	(Minimum continuous basic flow of 400 gpm)	
C.	Commodity Rate: Non-Agricultural	
	(Minimum continuous basic flow of 400 gpm)	
D.	Energy Charge	
	45 psi or less at the meter	
	(as determined by Chief Engineer)	
II Wholesale Rates per Article 5.5c		As determined by the City Council
III Construction Water Rates per Article 5.5d		
A.	Service Deposit (refundable)	\$500.00
B.	Meter Set Charge (non-refundable)	\$100.00
C.	Meter Move Charge (each move)	\$ 50.00
D.	Daily Service Charge	\$ 2.00
E.	Commodity Rate:	
	(Minimum continuous basic flow of 400 gpm)	
IV Temporary Service Rates per Article 5.6		Same as
(Other than Construction)		Construction
		Rates

V Service Outside City per Article 5.7

A. Entirely Outside

1. Same as Temporary Service Rates

OR

2. City Council may set rates by agreement consistent with rates for service in the City

B. Partially Outside

1. Apportioned as to place of use

APPENDIX B

MISCELLANEOUS RECLAIMED WATER CHARGES
Per Article 5.5g

1. Connection Charge

The actual cost of the meter and meter installation plus 12%
2. Security Deposit

Not less than the cost of two (2) months maximum reclaimed water demand.
3. Standard Penalty Charges

1 1/2% Per Month
30 Days Past Due
Balance of \$200.00 or more
4. Reconnection Charge \$ 50.00
5. Returned Check Charge \$ 15.00
6. Meter Test Charge \$ 20.00
7. Pulled Meter Charge \$ 50.00
8. Property Damage

Cut Lock or Seal \$ 10.00
Damaged Meter Actual Cost
Other Facilities Actual Repair Cost
9. Unauthorized Use

Self Turn On of Service \$100.00
Self Installation of Service \$500.00
Other \$200.00
10. Administrative Overhead

20% of Direct Cost of Service Rendered
11. Construction Deposits

All deposits for estimated costs to be incurred by the City for the installation of reclaimed water

facilities for a User shall be advanced to the City by the User prior to installation of said facilities.

APPENDIX C

CITY PARTICIPATION (Subject to the Availability of City Funds)

I. City Required Oversizing of Facilities per Article 7.4

A. Material

The City may pay for the difference in cost of materials between the size required for the User and the larger size of pipe, valves, fittings, and other appurtenances determined by the City for satisfactory operation of the system. Such difference in cost will be determined by the City.

B. Labor

No City participation

II Other Facilities

A. City Projects

Up to 100% (as determined by the City)

B. Other Projects

Up to 50% (as determined by the City)

CITY OF BEAUMONT
APPLICATION
FOR RECLAIMED WATER SERVICE
AND
CONSTRUCTION OF RECLAIMED WATER FACILITIES

APPLICANTPlease Complete 1 - 16

1. Applicant _____

Attention _____

Address _____

Street, City, Zip

() _____

Phone
2. Project Name _____
3. Location _____
4. Reclaimed Water Supervisor _____

Phone _____
5. Owner (if different from above) _____ Address _____

Street, City, Zip

Phone
6. Acreage to be Served _____
7. Anticipated Crop(s) or Use _____
8. I am interest in further information on land application of sludge as a fertilizer/soil amendment.

Yes

No
9. Estimated Demand _____ GPM or _____ MGD

Hours/Day _____

Days/Week _____
10. Number of Services _____ Size(s) _____
11. Please Attach:
 - a) Map showing property location
 - b) Design area for irrigation system
 - c) Desired meter location(s)
 - d) On-site irrigation piping plan

- | | | |
|-----|-------------------------------------|-----------|
| 12. | Landscape Architect _____ | _____ |
| | Company Name | Attention |
| | Address _____ | _____ |
| | Street, City, Zip | Phone |
| 13. | Developer _____ | _____ |
| | Company Name | Attention |
| | Address _____ | _____ |
| | Street, City, Zip | Phone |
| 14. | Landscape Irrigation Consultant | _____ |
| | _____ | _____ |
| | Company Name | Attention |
| | _____ | _____ |
| | Street, City, Zip | Phone |
| 15. | Anticipated Construction Date _____ | _____ |
| | Month/Year | |
| 16. | Requested Service Date _____ | _____ |
| | Month/Year | |

FOR CITY USE ONLY

17. First Checkprints Received _____
Date _____
Second Checkprints Received _____
Date _____
Final Plans Approved _____
Date _____
18. Can the City provide reclaimed water with existing facilities? _____
Yes _____ No _____
19. Is a reclaimed water main extension required? _____
Yes _____ No _____
- Comments: _____

20. Will this system be initially connected to the potable water system?

Yes _____ No _____
- Comments: _____

 If so, when will system be disconnected from the potable system and connected to the reclaimed water system?

21. Meter locations approved: _____

Yes

No

Comments: _____

22. Reclaimed Water Meters:

	Acct. No.	Size	Design PSI	Peak Flow (GPM)	Area Served (Sq. Ft.) (or Acres)	• Yearly Consump. (A-F/Yr)
A)	_____	_____	_____	_____	_____	_____
B)	_____	_____	_____	_____	_____	_____
C)	_____	_____	_____	_____	_____	_____
D)	_____	_____	_____	_____	_____	_____
E)	_____	_____	_____	_____	_____	_____
F)	_____	_____	_____	_____	_____	_____
G)	_____	_____	_____	_____	_____	_____
H)	_____	_____	_____	_____	_____	_____
TOTALS					_____	_____

23. Manner of labeling constant pressure mains: _____
 (3" tape, etc.)

24. Quick-coupler valves: _____
 Wye Strainer: _____

25. Any other reclaimed water discharge devices? _____
 Yes No

Description: _____

26. Is a potable water system on-site? _____

Yes

No

Comments: _____

27. Has the City been provided with two (2) sets of final plans? (Office and Inspector)

Yes

No

28. Date of receipt of record drawings (reproducible): _____

Date

29. REMARKS: _____

Insert Exhibit 2 - RWQCB Application for Facility Permit/Waste Discharge

DATE: _____
DEV.: _____
W.O.: _____
AREA: _____
TRACT: _____
I.D.: _____

**RECLAIMED WATER FACILITIES
RECLAIMED WATER USE PERMIT APPLICATION
AND CONSTRUCTION AGREEMENT WITH
THE CITY OF BEAUMONT**

The undersigned (hereinafter referred to as "Applicant") hereby requests a permit for the extension of certain reclaimed water facilities of THE CITY OF BEAUMONT (hereinafter referred to as "City") in accordance with all of the terms and conditions of this Agreement, and the City's "Water Reclamation Ordinance" (hereinafter referred to as "Ordinance") as amended from time to time, which are incorporated herein by this reference and made a part hereof as though fully set forth.

Applicant hereby applies for reclaimed water service which can be provided by the facilities described below, to that certain real property located within the City of Beaumont and/or the City of Beaumont Sphere of Influence, County of Riverside, State of California, consisting of approximately _____ acres and described as follows (metes and bounds description or as acceptable to the City):

Said property is to be used for the purpose(s) of:

Applicant hereby represents that Applicant is the _____ of said real property. Applicant estimates that the total reclaimed water quantity to be required of the City upon ultimate development of said real property is as follows:

Reclaimed Water: _____ gals. per day
_____ peak gpm
_____ af/yr

Applicant and its successors may be required to use reclaimed water based upon the sole discretion of the City and shall meet all the requirements of the section, "On-site Reclaimed Water Facilities" of the Ordinance, and Applicant agrees to make its existence known to all developers and subsequent owners or lessees in subject development by recordation of this instrument or otherwise.

Upon acceptance of this application by the City together with all fees and charges, plans and specifications, bonds, conveyance of necessary easements, and other items that may be required herein, the City agrees to issue a permit in accordance with and subject to the terms and conditions herein set forth. The City shall deliver to applicant such permit, which shall be an executed copy hereof.

1. Applicant agrees to comply with the requirements of any and all applicable Federal, State and local statutes, ordinances, regulations and other requirements. The City may, at its discretion, require specific prior approval of this permit by any Federal, State or local agency having jurisdiction over, or an interest in, the operation of the City's reclaimed water facilities.
2. Applicant shall adhere to the requirements prescribed by the Ordinance, as amended from time to time by the City Council of the City, to insure compliance with such Ordinance as to reclaimed water service.
3. Applicant hereby agrees to build or cause to be built the following described reclaimed water facilities (hereinafter collectively referred to as "the Facilities") and agrees to pay all costs of installation of same, including, but not limited to, cost of labor, materials, equipment, contractor's expense and profit, environmental studies, design, engineering, surveying, inspection, testing, plan check, land and easement acquisition, condemnation, attorney's fees, insurance and bond premiums.
 - a) _____
 - b) _____
 - c) _____
4. Applicant agrees that the Facilities shall be constructed in accordance with plans and

specifications which shall comply with all applicable requirements of the City's "Standard Specifications for the Construction of Reclaimed Water Facilities", including, but not limited to, requirements as to information to be shown on the plans. Said document is on file at the office of the City and is by this reference incorporated herein. Such plans and specifications by City shall be constructed by a contractor licensed by the State of California to install said Facilities.

5. Applicant guarantees the Facilities constructed under this Agreement against defects in workmanship and materials for a period of one (1) year after the date of acceptance of the Bill of Sale for the Facilities by the City, as provided in Section 8 herein. It is further agreed that the Facilities shall be restored to full compliance with the requirements of the plans and specifications described in Section 4 herein, including any test requirements, if during said one (1) year period the Facilities, or any portion thereof, are found not to be in conformance with any provision of said plans and specifications. This guarantee is in addition to any and all other warranties, express or implied, with respect to the Facilities.
6. Applicant agrees to grant, or cause to be granted to the City, all necessary easements for construction, installation, maintenance and access to the Facilities, across all privately-owned lands to be traversed by the Facilities, which easements shall be executed by all necessary parties having an interest in said lands. All easements shall be duly recorded.
7. Applicant agreed to provide to the City, prior to acceptance of the Facilities as set forth in Section 8 herein, a complete set of reproducible mylars of the approved final plans and specifications for the Facilities.
8. Upon completion of the Facilities, applicant agrees to execute and deliver to the City a proper Bill of Sale, including a report of the actual costs of the Facilities on the standard form of the City which form is on file at the office of the City and is by this reference incorporated herein, and to substantiate such report with invoices and receipts acceptable to the City. Applicant further agrees that such Facilities will become the property of the City when said Bill of Sale is accepted by its City Council or its duly authorized employee, evidencing acceptance of the Facilities. However, applicant hereby disclaims in favor of the City all right, title and interest in and to said systems, appurtenances and easements; and Applicant hereby covenants and agrees to execute and deliver to the City any documents required to complete the transfer of the Facilities concurrently with the acceptance thereof by the City; and Applicant hereby agrees that Applicant is holding any title to said Facilities, pending acceptance thereof by the City, as trustee, acknowledging Applicant's obligation to complete said Facilities and transfer the same debt-free to the City.
9. It is agreed that the above provisions shall not preclude the use of the Facilities by property owners within the use area prior to such delivery of Bill of Sale to the City, as long as the Facilities are acceptable to the City under its Rules and Regulations and written permission has been obtained from the City by such property owners to connect to the Facilities or to

existing Facilities. Applicant agrees that the use of the Facilities by the Applicant, transferee or assignee of the Applicant, or other within the City will not constitute acceptance, liability, operation or maintenance responsibility of the Facilities by the City.

10. Applicant agrees to hold the City harmless from any expense or liability resulting from the construction of the Facilities, and further agrees that Applicant will indemnify and hold the City, its agents, employees, officers and representative, free and harmless from and against any and all liabilities for death, injury, loss, damage or expense (including reasonable attorneys' fees) to person or property which may arise, or is claimed to have arisen, as a result of any work or action performed by Applicant, or on behalf of Applicant, with respect to the construction and in the installation or repair of the Facilities.
11. Applicant shall submit, concurrently with this Application, payment and performance bonds on the standard forms of the City, which forms are on file at the office of the City and are by this reference incorporated herein, or as acceptable to the City, in connection with the Facilities to be constructed, and for an amount to be determined by the City.
12. Applicant hereby agrees to pay all administration and engineering fees (including inspection, testing and plan check costs) calculated as a percentage of the total costs, as estimated by the City, as well as any other charges of the City, as provided for in the Rules and Regulations of the City. The amount of such fees and charges shall be based on the applicable schedules of the Rules and Regulations in effect on the date when applicant has submitted to City its completed Application, payment of all fees and charges, plans and specifications, bonds, conveyance of necessary easements and other items which may be required herein prior to issuance of the permit. Such fees and charges shall be set forth on Exhibit "3.A" hereto by the City, which Exhibit is by this reference incorporated herein, and is subject to revision pursuant to any changes in the applicable schedules prior to the date the application and all accompanying materials and payment are completed and submitted to the City. Other than as provided herein, fees and charges are not subject to adjustment or refund.
13. Applicant agrees to accept such conditions of pressure, quality and service as are provided for by City's reclaimed water system at the location of all proposed connections thereto and to hold City harmless from and against any and all damages, liability and expense arising out of high or low pressure conditions, or quality with respect thereto or from interruptions of service.
14. Applicant agrees, if said City employs an attorney to enforce this Agreement, to pay said City for all attorney's fees incurred.
15. Applicant agrees that the City Manager of the City, or the authorized representative, may enter upon the herein above described property for the purpose of ascertaining whether the provisions of this Agreement are being performed. Applicant shall not be responsible in any way for the failure of its successors or assigns to comply with any of the provisions of this

Agreement.

16. Applicant agrees that service shall be commenced only after the Facilities have been completed and transferred to the City, as provided in Section 8 herein, and all required testing and inspection has been accomplished.

Applicant is aware that contracts may not have been let for all necessary reclaimed water facilities of the City in order that Applicant can actually receive reclaimed water service. Applicant further agrees that City shall not be obligated to Applicant or the successors of Applicant for reclaimed water service until such time as the actual completion of said necessary City reclaimed water facilities.

17. Special conditions for service, if any:

IN WITNESS WHEREOF, the parties have duly caused their authorized signatures to be affixed hereto. SIGNATURES MUST BE PROPERLY NOTARIZED AND ACKNOWLEDGED.

APPLICANT:

PROPERTY OWNER:

By: _____

By: _____

By: _____

By: _____

Date: _____

Date: _____

(SEAL)

CITY OF BEAUMONT

APPROVED AS TO FORM:

By: _____

By: _____

By: _____

Date: _____

STATE OF CALIFORNIA)
County of _____)SS.

On _____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____ and _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons who executed the within instrument as _____ and Secretary, on behalf of _____, the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its City Council.

WITNESS my hand and official seal.

Signature _____

(NOTARY SEAL)

DATE: _____
DEV.: _____
W.O.: _____
AREA: _____
TRACT: _____
I.D.: _____

**CONSTRUCTION AGREEMENT WITH
CITY OF BEAUMONT FOR
RECLAIMED WATER SERVICE (PERMIT)**

Reclaimed Water Fees and Charges:

Administrative and Engineering

Bondable Cost \$ _____ at _____ % \$ _____

TOTAL RECLAIMED WATER SERVICE FEES AND CHARGES: \$ _____

TOTAL FEES AND CHARGES SUBMITTED HERewith: \$ _____

Less Prepaid Plan Check Fees: \$ _____

TOTAL \$ _____

Date of Preparation of this
Document: _____

The amount set forth is based on the City's schedules of fees and charges in effect on _____
_____ and the plans and specifications for the Facilities which have been submitted
by Applicant, and such amount is subject to revision pursuant to any changes made in said schedules
or in said plans prior to completion of this Application and all accompanying items required therein.

CITY OF BEAUMONT
TEMPORARY FIRE HYDRANT WATER USE APPLICATION AND PERMIT

Name _____ S.O. No. _____

Mailing Address _____ I.D. No. _____

_____ Mtr. Deposit _____

Location of Hydrant _____

Location and Purpose of Water Use _____

WATER SERVICE UNDER THIS PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. Application and payment of a standard initial charge of \$500 with the understanding that, following the return of the meter, by customer request to the City, payment by the applicant of all outstanding water bills owed the City by the applicant and completion of any required rehabilitation of the meter by the City, the City will refund to the applicant the sum of \$400 minus the cost, if any, incurred by the City to rehabilitate and restore the meter to a condition which meets the City's applicable standards;
2. Applicant's payment of a \$2 per day rental charge for the use of the meter, which shall continue to be charged until applicant requests that the involved meter be picked up by the City;
3. Applicant establishes credit with the City pursuant to Rules and Regulations;
4. Applicant's payment for all water delivered through the subject fire hydrant meter at the commodity water rate applicable for the improvement district or service area where water service through said meter is served;
5. Applicant's compliance with all applicable City rules and regulations, including the installation of an approved backflow prevention device and following backflow prevention procedures and restrictions, as noted below:

6. All temporary fire hydrant service connection installations and the use thereof shall be subject to inspection and approval by City personnel prior to and during use: Unsatisfactory temporary fire hydrant installation or the use thereof shall result in the discontinuance of water service there through the City until appropriate remedial actions have been taken by the applicant, all as determined by the City.

7. The City shall be responsible for installing and securing the involved temporary fire hydrant meter with a chain and lock to a City approved hydrant. Applicant hereby agrees to forfeit deposit if said chain and/or lock is damaged in any way for any reason. If this occurs, the City will, at that time, remove the temporary fire hydrant meter from the applicant. Any theft of water from a City hydrant will result in legal action per penal code #498.
8. Applicant shall be solely responsible for utilizing the subject temporary fire hydrant meter in a manner which will not create a threat to the safety of the public and property of others and will protect the meter and fire hydrant assembly to which it is attached, from damage;
9. Applicant shall be responsible and pay for any and all damages to or loss of City facilities, (including the involved fire hydrant assembly and/or meter) which may occur or result from applicant's activities in connecting to, using and disconnecting from such City facilities; and
10. Applicant hereby agrees to indemnify and hold City free and harmless from any and all responsibility for any public liability and/or property damage and personal injuries which may in any way result from the applicant's use of the subject temporary fire hydrant meter and the fire hydrant assembly to which it is attached. Such indemnification shall include legal costs incurred by the City.
11. Customer acknowledges that their demands are secondary to that of the fire department and/or City operation.

APPROVAL BY CITY OF BEAUMONT

I HEREBY AGREE TO COMPLY
WITH THE FOREGOING TERMS
AND CONDITIONS

Signature	Firm Name
Title	Signature of Applicant
Date	Date
Acct. # _____	Receipt # _____
Meter # _____	Date _____
Read _____	Phone _____

ONE COPY OF THIS PERMIT MUST BE KEPT AT JOB SITE FOR VERIFICATION BY CITY UPON REQUEST

THE METER SHALL NOT LEAVE THE CITY'S BOUNDARIES

Approved by the City Council: CITY OF BEAUMONT, CALIFORNIA

BILL OF SALE

RECLAIMED WATER SYSTEM FACILITIES

For good and valuable consideration, receipt of which is hereby acknowledged, the undersigned does hereby transfer and convey to the City of Beaumont and its successors and assigns, all right, title, and interest in and to the reclaimed water system facilities, including pipelines, valves, service connections, meters, other appurtenances, easements and property to said reclaimed water installation, constructed, installed, and located in the property described below, and further warrants that the same is free and clear of any incumbrance.

Said property is described as follows:

Executed this _____ day of _____, 19____

Company or Corporation Name:

By: _____

President

By: _____

Secretary

CERTIFICATE OF ACCEPTANCE:

As per Resolution No. _____ as set forth in the minutes of a meeting of the City Council of the City of Beaumont held on the above Bill of Sale of Reclaimed Water System Facilities, dated _____, is hereby accepted by order of the City Council of the City of Beaumont.

CITY OF BEAUMONT

Date of Acceptance: _____

By: _____

Approved by the City Council: CITY OF BEAUMONT, CALIFORNIA

**STATEMENT OF
RECLAIMED WATER FACILITIES
COST OF CONSTRUCTION**

Developer's Name: _____

Tract No.: _____ Date Prepared: _____

<u>Item</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Cost</u>
_____	_____	\$ _____	\$ _____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
		Subtotal	\$ _____
Design Engineering Cost (Proportioned to Reclaimed Water System Design)		L.S.	
Survey-Staking Costs		L.S.	
Bonding Cost (Reclaimed Water Only) Estimate		L.S.	
Developer's Overhead Costs (Not to Exceed 10%)			

GRAND TOTAL CONSTRUCTION COST* \$ _____

*Excludes fees paid directly to the City of Beaumont.

Prepared by: _____

My signature as witnessed here below attest that under penalty of perjury, the above statement is true and correct to the best of my knowledge.

Date: _____

Developer: _____ Witness: _____

Official Title: _____

Title: _____